

PART V

URBAN ENVIRONMENTAL INFRASTRUCTURE AND SERVICES

Chapter XX

Water-supply

A. General

Definitions.

163. In this chapter, unless the context otherwise requires, -
- (a) "Government main" means any water-pipe owned and maintained by the State Government;
 - (b) "*jhora*" means any natural watercourse, whether on a public land or on a private land;
 - (c) "municipal main" means any water-pipe transferred to, or laid by, the Municipality for the purpose of providing a general supply of water as distinct from supply of water to an individual consumer, and includes any apparatus in connection with such water-pipe;
 - (d) "service-pipe" means so much of any pipe for supplying water as connects a municipal main to any premises;
 - (e) "supply-pipe" means such pipe as connects a Government main or a municipal main to the consumer's premises, and includes service pipe and internal plumbing lines of the consumer's premises;
 - (t) "water-fittings" includes pipes (other than mains), taps, cocks, valves, ferrules, meters, cisterns, baths, and other similar apparatus used in connection with the supply and use of water.

B. Functions in Relation to Water-supply

Duty of Municipality to supply water.

164. (1) It shall be the duty of the Municipality to take steps, from time to time, either on its own, or through a Department of the State Government or any institution or organization of the State Government or agency, -
- (a) to ascertain the sufficiency and wholesomeness of water supplied within the municipal area,
 - (b) to provide, or to arrange to provide, a supply of wholesome water in pipes to every part of the municipal area in which there are houses, for domestic purposes of the occupants thereof, and for taking the pipes affording such supply to such point or points as shall enable the houses to be connected thereto at a reasonable cost, so, however, that the Municipality shall not be required to do anything which is not practicable at a reasonable cost or to provide such supply to any part of the municipal area where such supply is already available at the point or points as aforesaid, and

- (c) to provide, as far as possible, a supply of wholesome water, otherwise than in pipes, to every part of the municipal area in which there are houses, for domestic purposes of the occupants thereof, and to which it is not practicable to provide supply in pipes at a reasonable cost, and in which danger to health may arise from the insufficiency or unwholesomeness of the existing supply and a public supply is required and may be provided at a reasonable cost, and to secure that such supply is available within a reasonable distance of every house in that part.

- (2) If any question arises under clause (b) of sub-section (I) as to whether anything is or is not practicable at a reasonable cost or as to the point or points to which pipes must be taken in order to enable houses to be connected to such point or points at a reasonable cost, or if any question arises under clause (c) of that sub-section as to whether a public supply may be provided at a reasonable cost, such question shall be decided by the Executive Authority.

Supply of water for domestic purposes.

165. A supply of water for domestic purposes shall be deemed not to include a supply -
- (a) to any institutional building, assembly building, business building, mercantile building, industrial building, storage building, hazardous building, or educational building, or any part of such building, other than that used as a residential building,
 - (b) for building purposes including construction of streets,
 - (c) for watering roads and paths,
 - (d) for purposes of irrigation,
 - (e) for gardens, fountains, swimming pools, public baths, public tanks, or for any ornamental or mechanical purposes, or
 - (f) for animals or for washing vehicles where such animals or vehicles are kept for sale or hire.

Supply of water to connected premises.

166. The Chief Municipal Officer may, on an application by the owner, lessee or occupier of any building, either on his own or through any agency, arrange for supply of water from the nearest main to such building for domestic purposes in such quantity as may be deemed to be reasonable and may, at any time, limit the quantity of water to be supplied whenever considered necessary:

Provided that the Chief Municipal Officer may, by order in writing, delegate the responsibility of receiving such application to such agency.

Supply of water for non-domestic purposes.

- 167 (1) The Chief Municipal Officer or the agency, as the case may be, may, on receiving an application, in writing, specifying the purpose for which the supply of water is required and the quantity which is likely to be consumed, supply water for any purpose other than domestic purpose, on such terms and conditions, including the condition of withdrawal of water, as may be determined by regulations.

- (2) The Chief Municipal Officer may withdraw such supply at any time, if he thinks it necessary so to do, in order to maintain a sufficient supply of water for domestic purpose.

Payment for water supplied.

168. For water supplied under section 166 or section 167, payment shall be made at such rate as may be fixed by the Municipality from time to time:

Provided that such rate shall, as far as practicable, cover the costs on account of management, operation, maintenance, depreciation, debt servicing, and other charges related to waterworks and costs of distribution of water, including losses, if any, on account of such distribution.

Notice of stoppage of water-supply.

169. If, at any time, supply of water is proposed to be stopped for more than twenty-four hours in any municipal area or part thereof or to any connected premises, the Chief Municipal Officer shall notify such stoppage through television and newspaper, and by beat of drum where necessary.

Water-supply through hydrants, stand-posts and other conveniences.

170. (1) The Municipality may, in exceptional circumstances, either on its own or through any agency, provide, free of cost, supply of wholesome water to the public within the municipal area and may, for the said purpose, erect public hydrants or stand-posts or other conveniences.
- (2) The Municipality may, for reasons to be recorded in writing, order the closure of any public hydrant, stand-post or other conveniences.
- (3) The Municipality may, either on its own or through any agency, provide for safety, maintenance, and use of such public hydrants, stand-posts, or other conveniences, subject to such conditions as may be specified by regulations.

Provision for fire hydrants.

171. (1) The Chief Municipal Officer shall, either on his own or through any agency, fix hydrants on water-mains, other than trunk mains, at such places as may be most convenient for affording supply of water for extinguishing any fire, and shall keep in good order such hydrants, and may, from time to time, renew every such hydrant.
- (2) The situation of every hydrant shall be denoted in such manner, and the key of a hydrant shall be deposited at such place, as may be prescribed.
- (3) The Chief Municipal Officer may, at the request and expense of the owner or the occupier of any building referred to in clause (a) of section 165, which is situated in or near a street in which a pipe, not being a Government main or municipal main, is laid, and being of sufficient dimensions to carry a hydrant, fix on the pipe, and keep in good order, and, from time to time, renew, one or more fire hydrants as near to such building as may be convenient, to be used only for extinguishing fire.

- (4) The Chief Municipal Officer shall allow, without any payment, any person to take water for extinguishing fire from any pipe on which a hydrant is fixed.

C. Notified Water Sources, Natural Watercourses, Works/or Supply of Water and Distribution Networks

Vesting of water sources and natural watercourses in Municipality and protection of jhoras.

172. (1) Any notified watershed or water source or notified watermain route under the Sikkim Water Supply and Water Tax Act, 1986, if assigned to the Municipality or a *jhora* on a public land, other than forest land, and falling within the municipal area shall vest in the Municipality. (Act No.8 of 1986).
- (2) Notwithstanding anything contained in sub-section (1), the Municipality shall protect any *jhora*, whether on a public land or on a private land, within the municipal area.

Limits of jhoras.

173. The State Government may, by notification, specify the limits of any *jhora*, watercourse or channel within a municipal area in the State.

Works to be undertaken for supply of water.

174. (1) Subject to such directions as it may receive from the State Government, the Municipality may, for the purpose of providing the municipal area with proper and sufficient supply of water for public and private uses, either on its own or through any agency, take measures for -
- (a) tapping of water sources,
 - (b) treatment of water,
 - (c) storage of water,
 - (d) laying of distribution network for supply of water,
 - (e) maintenance of existing infrastructure,
 - (f) ensuring clean and adequate water-supply to premises, or
 - (g) billing and revenue collection.
- (2) Having regard to the provisions of sub-section (1), the Municipality may -
- (a) cause to be constructed or maintained such tanks, reservoirs, engines, pipes, taps, and other waterworks as may be necessary within or outside the municipal area,
 - (b) purchase, or take on lease, any waterworks, or right to store, or to take and convey, water, within or outside the municipal area, and
 - (c) enter into any agreement with any person or authority for the supply of water:

Provided that the Municipality may, with the approval of the State Government, make over to, or take over from, the State Government or

a statutory body any waterworks so as to do anything which may be necessary or expedient for the purpose of carrying out its functions under this Act or any other law for the time being in force.

Management of waterworks.

175. The Chief Municipal Officer shall, either on his own or through any agency, manage all waterworks and allied facilities belonging to the Municipality and shall maintain the same in good repair and efficient condition and shall cause to be done, from time to time, all such things as shall be necessary or expedient for improving such waterworks and facilities.

Purity of water for domestic purpose.

176. (1) The Chief Municipal Officer shall, either on his own or through any agency, at all times, ensure that the water in any waterworks belonging to the Municipality, from which water is supplied for domestic purposes, is wholesome.
- (2) The Municipality or the agency, as the case may be, shall, when so required by any competent authority under any law for the time being in force, arrange for the examination of water supplied for human consumption for the purpose of determining whether the water is wholesome.

Water not to be wasted.

177. (1) No person, being the occupier of any premises to which water is supplied by the Municipality or any agency, as the case may be, under this chapter, shall, on account of negligence or other circumstances under the control of such occupier, allow the water to be wasted, or allow the pipes, works or fittings for the supply of water in his premises to be out of repair causing thereby waste of water.
- (2) No person shall unlawfully flood, or draw off, or divert, or take water from, any waterworks belonging to, or under the control of, the Municipality, or from any watercourse or stream by which such waterworks is supplied.
- (3) Any person who contravenes the provisions of this section shall be liable to such fine, not exceeding ten thousand rupees, as may be determined by regulations.

D. Water-supply Mains and Pipes

Power to lay mains, service pipes, etc.

178. (1) The Chief Municipal Officer may, either on his own or through any agency, lay within or outside the municipal area a main, or such service pipes with such stopcocks and other water fittings as he may deem necessary, for supply of water to premises-
- (a) on any street, and
- (b) in, over, or on, any land, not forming part of a street, with the consent of the owner or the occupier of such land, in such manner as may be prescribed;

Provided that where a permanent structure is constructed for the purpose of this section on such land, compensation for such construction shall be paid in cash.

- (2) Where a service main or a service pipe has been lawfully laid in, over, or on, any land, not forming part of a street, under sub-section (1), the Chief Municipal Officer or the agency appointed by him may, from time to time, enter upon that land and inspect, repair, alter, renew, or remove the pipe or lay a new pipe in substitution thereof, and shall pay compensation for any damage done in the course of such inspection, repair, alteration, renewal, or removal, or laying, as the case may be.
- (3) Subject to the foregoing provisions of this section, for the purpose of new connection required to be given to residential, non-residential or institutional buildings across any existing road which is needed to be dug, -
 - (a) the specification mainly of breadth and depth of digging, including encasing by pipe having the minimum diameter of one hundred and ten millimeters, shall be mandatory, and
 - (b) the Municipality or the concerned Department of the State Government or the agency, as the case may be, giving such connection, shall repair the road as aforesaid in accordance with such specifications at the expense of the consumer.

Explanation I. - "residential building" and "institutional building" shall have the meanings respectively assigned to them in clause (t) of section 266.

Explanation II. - "non-residential building" shall mean a building which is not a residential building or institutional building.

Prohibition for laying water-pipes and construction of latrines and cesspools.

179. The Chief Municipal Officer shall have the power to prohibit-
- (a) laying of water-pipes in such place or places,
 - (b) construction of latrine or cesspool within such distance from any well, tank, water-pipe, or cistern, and
 - (c) the use of water from such source of supply, in such manner as may be prescribed.

Power in relation to water-supply.

180. The Chief Municipal Officer shall have such powers in relation to water-supply, and subject to such terms and conditions, as may be prescribed.

Application for supply of water

181. An application for supply of water shall be made in such Form, shall be addressed to such officer, and shall be disposed of in such manner, as may be prescribed.

Power to turn off supply of water to premises.

182. Notwithstanding anything contained elsewhere in this Act, the Chief Municipal Officer may cut off the connection between any waterworks of the Municipality and any premises to which water is supplied from such waterworks, or may turn off such supply, in such circumstances and in such manner, as may be prescribed.

E. Water Meters and Recovery of Charges

Power to provide water meters and to recover charges.

183. The Municipality may, -
- (a) by regulations, specify the terms and conditions of-
 - (i) providing water-meters, either by itself or by an agent or by the owner or the occupier of any land or building, and
 - (ii) recovery of charges for supply of such water as recorded by water meters, and
 - (b) take necessary steps for detection and elimination of any fraud in respect of such water meters.

Entrustment of operation and maintenance of water-works and billing and collection of charges.

184. The Chief Municipal Officer may, with the prior approval of the Executive Authority, entrust the work of operation and maintenance of waterworks in the municipal area and the work of billing and collection of water charges to any agency.

F. Offence in Relation to Water-supply

Liability for offence in relation to water-supply.

185. If any offence relating to water-supply is committed under this Act in any premises connected with the municipal waterworks, the owner, the person primarily liable for payment of property tax, and the occupier of the said premises shall be jointly and severally liable for such offence.

G. Harvesting of Rain Water

Provision of rain water harvesting structure.

186. In every building owned or occupied by the State Government or a statutory body or a company or an institution owned or controlled by the State Government, rain water harvesting structure shall be provided in such manner as may be specified by the State Government or the Municipality from time to time.

Chapter XXI Drainage and Sewerage

A. Functions in Relation to Drainage and Sewerage

Municipality to provide drainage, sewerage and outfall.

187. The Municipality shall, either on its own, or through a Department, or organization, of the State Government, or any agency, construct and maintain drains and sewers, and provide a safe and sufficient outfall, in

or outside the municipal area, for effectual drainage and proper discharge of storm-water and sewage of the municipal area in such manner as may not cause any nuisance, either by flooding any part of the municipal area or any area surrounding the outfall or in any other way:

Provided that no place, which has not been used before the commencement of this Act for any of the purposes specified in this section, shall, on the commencement of this Act, be so used except-

- (i) in conformity with the provisions of the Sikkim Urban and Regional Planning and Development Act, 1998, relating to land use planning or any other law relating thereto for the time being in force, or Act No.7 of 1998.
- (ii) with the approval of the State Government, in the absence of any such law:

Provided further that with effect from such date as may be appointed by the State Government in this behalf, no sewage shall be discharged into any watercourse until it has been so treated as not to affect prejudicially the purity and the quality of the water of such watercourse.

Provision of means for disposal of sewage.

188. For the purposes of receiving, treating, storing, disinfecting, distributing, or otherwise disposing of sewage, the Municipality may, either on its own, or through a Department, or organization, of the State Government, or any agency, construct, operate, maintain, develop, and manage any works within or outside the municipal area.

B. Proprietary Rights of Municipality in Respect of Drains and Sewage Disposal Works

Vesting of public drains and sewage disposal works.

189. (1) All public and other drains in, alongside or under any public street, and all sewage disposal works, constructed or acquired out of the Municipal Fund or otherwise, and all works, materials, and things appertaining thereto, which are situated within or outside the municipal area, shall vest in the Municipality, or the concerned Department, or organization, of the State Government, or the agency, as the case may be.
- (2) For the purposes of laying, constructing, enlarging, deepening or otherwise repairing or maintaining any such drain or sewage disposal system, so much of the sub-soil appertaining thereto, as may be necessary for such purposes, shall be deemed also to have vested in the Municipality, or the concerned Department, or organization, of the State Government, or the agency, as the case may be.
- (3) All drains and ventilation shafts, pipes and all appliances and fittings connected with the drainage works constructed, erected or set up

out of the Municipal Fund in or upon premises, not belonging to the Municipality, whether-

- (i) before or after the commencement of this Act, and
- (ii) for the use of the owner or the occupier of such premises or not,

shall, unless the Municipality, or the concerned Department, or organization, of the State Government, or the agency has otherwise determined, or does otherwise determine at any time, vest, and shall be deemed always to have vested, in the Municipality, or the concerned Department, or organization, of the State Government, or the agency, as the case may be.

Explanation. -All public and other drains, which, under any provision of this Act, vest in the Municipality, or the concerned Department, or organization, of the State Government, or the agency, as the case may be, are hereinafter referred to in this Act as municipal drains.

Right of owner or occupier to obtain sewer connection.

190. (1) The owner or the occupier of any premises shall be entitled to empty sewage of the premises into the sewer main of the Municipality, or the concerned Department, or organization, of the State Government, or the agency, as the case may be, provided that before doing so, he -

(a) obtains connection from the sewer main of the Municipality, or the concerned Department, or organization, of the State Government, or the agency, as the case may be, and

(b) complies with such other conditions as may be specified by the Municipality or the concerned Department, or organization, of the State Government, or the agency, as the case may be.

(2) Notwithstanding anything contained in sub-section (1), where any portion of the sewer main of the Municipality or the concerned Department, or organization, of the State Government, or the agency, as the case may be, passes through any property which is a private or public property or which belongs to any corporation or institution, the person, or the persons, or the corporation, or the institution, owning such property, shall be responsible for such portion of such sewer main.

Power to make over to, or to take over from, statutory authority drainage and sewerage works.

191. The Municipality, or the concerned Department, or organization, of the State Government, or the agency, as the case may be, may, with the prior approval of the State Government and subject to such conditions as the Municipality, or the concerned Department, or organization, of the State Government, or the agency, as the case may be, may determine, make over to, or take over from, any authority under any law for the time being in force any drain or sewer or sewage disposal works for administration and management thereof.

C. Municipal Drains

Power of making drains.

192. (1) The Municipality, or the concerned Department, or organization, of the State Government, or the agency, as the case may be, authorized in this behalf, may carry any municipal drain through, across, or under, any street, or any place laid out as, or intended for, a street or under any cellar or vault, which may be under any street, and, after giving a reasonable notice, in writing, to the owner or the occupier thereof, into, through, or under, any land whatsoever within the municipal area, or, for the purpose of out-fall or distribution of sewage, outside the municipal area.
- (2) The Municipality, or the concerned Department, or organization, of the State Government, or the agency, as the case may be, authorized in this behalf, may construct any new drain in place of an existing drain or repair or alter any municipal drain so constructed.

Sewage and rain water drains to be separate.

193. For the purpose of effectual drainage of any premises in accordance with the provisions of this chapter, it shall be competent for the Municipality, or the concerned Department, or organization, of the State Government, or the agency, as the case may be, authorized in this behalf, to require that there shall be one drain for sewage, offensive matter and polluted water and an entirely separate drain for rain water or unpolluted sub-soil water or both rain water and unpolluted sub-soil water, each emptying into separate municipal drains or other suitable places.

Provided that -

- (a) the sullage from bathrooms and kitchens shall be separately connected with the sewer main of the Municipality, and
- (b) the rain water shall be connected with the natural *nullahs*, *khola-kholsas*, *jhoras*, or storm water drainage.

Alteration, discontinuance, cleansing, etc., of drains.

194. Subject to such terms and conditions as may be provided by regulations from time to time, the Municipality, or the concerned Department, or organization, of the State Government, or the agency, as the case may be, authorized in this behalf, may -
- (a) enlarge, alter the course of, lessen, or arch over, or otherwise improve, any municipal drain within the municipal area,
- (b) discontinue, close up, or destroy any municipal drain,
- (c) properly flush, clean, and empty any municipal drain, and
- (d) restrict emptying, or turning any municipal drain, or throwing into any drain communicating into the municipal drain, any matter likely to damage the drain or to interfere with the free flow of the contents thereof, or to affect prejudicially the treatment and disposal of the

contents thereof, or any chemicals, refuse, or waste steam, or any liquid which is dangerous or is the cause of a nuisance or is prejudicial to health, or any petroleum Class 'A', petroleum Class 'B', or petroleum Class 'C'.

Explanation. -For the purposes of this section, the expression "petroleum Class 'A', petroleum Class 'B', or petroleum Class 'C'" shall have the same meaning as in the Petroleum Act, 1934. 30 of 1934.

D. Drains of Private Streets and Drainage of Premises

Powers in relation to drainage.

195. Subject to such terms and conditions as may be provided by regulations from time to time, the Municipality, or the concerned Department, or organization, of the State Government, or the agency, as the case may be, authorized in this behalf, may -
- (a) permit the owner or the occupier of any premises having a drain, or the owner of a private drain, to have his drain made to communicate with the municipal drain for discharge of foul water,
 - (b) limit the use of the municipal drain by the owner or the occupier of any premises having a private drain or by the owner of a private drain,
 - (c) require the owner of any land or building, which is without sufficient means of effectual drainage, to construct a drain and to provide all such appliances and fittings as may be necessary for drainage of such land or building,
 - (d) require the group of owners of a block of premises, which may be drained more economically or advantageously in combination than separately, to undertake at their own expense any work necessary for drainage of such block of premises by a combined operation,
 - (e) require the owner of any land or building to carry out such construction, repair, or other work as may be necessary for effectual drainage of such land or building, or
 - (f) authorize any person, who desires to drain his land or building into a municipal drain through a drain of which he is not an owner, to use the drain of which he is not an owner or declare such person to be the joint owner thereof.

Premises not to be erected without drains.

196. (1) It shall not be lawful to erect or to re-erect any premises in the municipal area or to occupy any such premises unless -
- (a) a drain is constructed of such size, materials, and description, at such level, and with such fall, as may appear to the Chief

Municipal Officer to be necessary for the effectual drainage of such premises, and

- (b) there have been provided and set up on such premises such appliances and fittings as may appear to the Chief Municipal Officer to be necessary for the purposes of gathering or receiving the filth and other polluted and obnoxious matters, and conveying the same, from such premises and effectually flushing the drain of such premises and every fixture connected therewith.
- (2) The drain so constructed shall empty into a municipal drain situated at a distance of not exceeding thirty metres from such premises, but if no municipal drain is situated within such distance, then, such drain shall empty into a cesspool situated within such distance as shall be specified by the Chief Municipal Officer for the purpose.

E. Trade Effluent

Special provisions relating to trade effluent.

197. Subject to the provisions of this Act and the regulations made thereunder and any other law for the time being in force, the occupier of any trade premises may, with the approval of the Municipality or, so far as may be permitted by this Act or the regulations made thereunder or any other law for the time being in force, without such approval, discharge into the municipal drain any trade effluent proceeding from such premises.

Special provisions regarding drainage of trade effluent.

198. Notwithstanding anything contained in this Act or the regulations made thereunder or any usage, custom or agreement, where, in the opinion of the Chief Municipal Officer, any trade premises are without sufficient means of effectual drainage and treatment of trade effluent or the drains thereof, though otherwise not objectionable, are not adapted to the general drainage system of the municipal area, or the effluent is not of specified purity, the Chief Municipal Officer may, by a notice, in writing, require the owner or the occupier of such premises -
- (a) to discharge the trade effluent in such manner, at such times, through such drains, and subject to such conditions, as may be specified in the notice, and to cease to discharge the trade effluent otherwise than in accordance with the notice,
 - (b) to purify the trade effluent before the discharge thereof into a municipal drain and to set up for purifying the trade effluent such appliances, apparatus, fittings, and plants, as may be specified in the notice,
 - (c) to construct a drain of such material, size, and description, and laid at such level, and according to such alignment, and with such fall and outlet, as may be specified in the notice, or
 - (d) to alter, amend, repair, or renovate any existing drain, or any purification plant, apparatus, plant-fitting, or article used in connection with any municipal or house-drain.

Chapter XXII
Other Provisions Relating to Water-supply, Drainage and Sewerage

*Connection with
waterworks mains and
drains not to be made
without permission.*

199. Without the permission, in writing, of the Chief Municipal Officer, no person shall, for any purpose whatsoever, at any time, make, or cause to be made, any connection, or communication, with any waterworks or mains or drains, constructed or maintained by, or vested in, the Municipality, or the concerned Department, or organization, of the State Government, or the agency.

*Buildings, and private
streets not to be
erected or constructed
over watermains, or on
municipal drains,
without permission.*

200. (1) Without the permission of the Chief Municipal Officer, no building, wall, fence, or other structure shall be erected, and no private street shall be constructed, on any municipal drain or on any watermains constructed or maintained by, or vested in, the Municipality, or the concerned Department, or organization, of the State Government, or the agency.
- (2) If any building, wall, fence, or other structure is erected, or private street is constructed, on any drain or waterworks as aforesaid without the permission of the Chief Municipal Officer, the Chief Municipal Officer may remove, or otherwise deal with, such erection or construction in such manner as he may think fit.
- (3) The expenses incurred by the Chief Municipal Officer for carrying out the purposes of sub-section (2), shall be paid by the owner of such building, wall, fence, or other structure or by the person, constructing such private street, as the case may be, and shall be recoverable as an arrear of tax under this Act.

*Building plan not to be
sanctioned unless plan
relating to water-
supply etc. is in
conformity with rules
and regulations.*

201. No building plan shall be sanctioned unless such plan conforms to such rules or regulations relating to water-supply, drainage, privy, and urinal accommodation, within the premises, and sewerage as may be made in this behalf.

*Maps of underground
watermains, supply
pipes, drains, etc.*

202. Subject to the provisions of section 10 and section 262, the Municipality, or the concerned Department, or organization, of the State Government, or the agency, as the case may be, shall cause to be maintained complete survey maps, drawings, and descriptions of water-supply mains, supply-pipes, municipal drains, sewers, and connections thereto from all premises in the municipal area.

*Rights of user of
property for
aqueducts, lines, etc.*

203. (1) The Municipality, or the concerned Department, or organization, of the State Government, or the agency, as the case may be, may place and maintain aqueducts, conduits, and lines of mains, or pipes, or drains over, under, along, or across, any immovable property, whether within or outside the limits of the municipal area,

without acquiring such immovable property, and may, at any time, for the purpose of examining, repairing, altering or removing such aqueducts, conduits, or lines of mains, or pipes, or drains, after giving a reasonable notice of his intention so to do, enter on any such immovable property over, under, along, or across, which the aqueducts, conduits, or lines of mains, or pipes, or drains have been placed:

Provided that the Municipality, or the concerned Department, or organization, of the State Government, or the agency, as the case may be, shall not acquire any right, other than a right of a user, in such property over, under, along, or across, which any aqueduct, conduit, or line of mains, or pipe, or drain has been placed.

- (2) The powers conferred under sub-section (1) shall not be exercised in respect of any property which is vested in the State Government or any local authority, or is under the control or management of the Central Government or any Ministry of the Central Government, save with the permission of the State Government or the local authority or the Central Government or any Ministry of the Central Government, as the case may be, and in accordance with such regulations as may be made in this behalf:

Provided that the Municipality, or the concerned Department, or organization, of the State Government, or the agency, as the case may be, may, without such permission, repair, renew, or amend any existing works, the character or position of which is not to be altered, if such repair, renewal, or amendment is urgently necessary in order to maintain, without interruption, the supply of water, or drainage, or disposal of sewage, or is such that any delay would be dangerous to health, human life, or property.

- (3) In the exercise of the powers conferred by this section on the Municipality, or the concerned Department, or organization, of the State Government, or the agency, as the case may be, the Chief Municipal Officer, or the agency, as the case may be, shall cause as little damage and inconvenience as may be possible, and shall make full compensation for any damage or inconvenience caused by him or such agency.

Power of owner of premises to place pipes and drains through land belonging to other persons.

204. (1) If it appears to the Chief Municipal Officer that the only or the most convenient means of water-supply to, and drainage of, any premises shall be by placing, or carrying, any pipe or drain over, under, along, or across the immovable property of another person, the Chief Municipal Officer may, by an order, in writing, authorize the owner of such premises to place or carry such pipe or drain over, under, along, or across such immovable property: Provided that before making any such order, the Chief Municipal Officer shall give to the owner of the immovable property a reasonable

opportunity of showing cause, within such time as may be specified by him by an order, in writing, as to why the order should not be made:

Provided further that the owner of the premises shall not acquire any right, other than the right of a user, in such immovable property over, under, along, or across which any such pipe or drain is placed or carried.

- (2) Upon the order under sub-section (1), the owner of the premises may, after giving to the owner of the immovable property as aforesaid a reasonable notice of his intention so to do, enter upon such immovable property with assistants and workmen at any time between sunrise and sunset for the purpose of placing a pipe or drain over, under, along, or across, such immovable property or for the purpose of repairing such pipe or drain.
- (3) In placing or carrying a pipe or drain under this section, as little damage as possible shall be done to such immovable property, and the owner of the premises shall -
 - (a) cause the pipe or drain to be placed or carried with the least possible delay,
 - (b) fill in, reinstate, and make good, at his own cost and with the least possible delay, any land opened, broken up, or removed, for the purpose of placing or carrying such pipe or drain, and
 - (c) pay compensation to the owner of such immovable property and to any other person, who sustains damage by reason of the placing or carrying of such pipe or drain.
- (4) If the owner of such immovable property over, under, along, or across which a pipe or drain has been placed or carried under this section, while such immovable property was not built upon, desires to erect any building on such immovable property, the Chief Municipal Officer shall, by a notice, in writing, require the owner of the premises to close, remove, or divert, the pipe or drain in such manner as shall be approved by him and to fill in, reinstate, and make good such immovable property, as if the pipe or drain had not been placed or carried over, under, along, or across such immovable property :

Provided that no action under this sub-section shall be taken unless, in the opinion of the Chief Municipal Officer, it is necessary or expedient for the construction of the proposed building, or the safe enjoyment thereof, that the pipe or drain should be closed, removed, or diverted.

**Power of Chief
Municipal Officer to
affix shafts etc. for
ventilation of drain or
cesspool and testing
of drain.**

205. Subject to such terms and conditions as may be provided by regulations from time to time, the Chief Municipal Officer may, either on his own or through any agency, authorized by him in this behalf, -

- (a) erect upon any land or building, or affix to the outside of any building, or to any tree, any shaft or pipe as may appear to him or such agency to be necessary for the purpose of ventilating any drain or cesspool, whether vested in the Municipality or not, and
- (b) examine the condition of a private drain or cesspool within the municipal area in respect of which there is reasonable ground for believing that such private drain or cesspool is in such condition as is prejudicial to health, or is a nuisance, by applying any test other than a test by water under pressure, and if he or such agency deems it necessary, by opening the ground.

**Power of Chief
Municipal Officer to
execute work after
giving notice to person
liable.**

206. (1) When, under the provisions of this Act, any person is required, or is liable, to execute any work in relation to water-supply, drainage, and sewerage within the municipal area, the Chief Municipal Officer may, in accordance with the provisions of this Act and the regulations made thereunder, cause such work to be executed after giving such person an opportunity of executing such work within such time as may be specified by him for this purpose.

(2) The expenses incurred or likely to be incurred by the Chief Municipal Officer in the execution of any such work shall be payable by such person, and the expenses incurred by the Chief Municipal Officer in connection with the maintenance of such work or enjoyment of amenities and conveniences rendered possible by such work shall be payable by the person or persons enjoying such amenities and conveniences.

(3) The expenses referred to in sub-section (2) shall be recoverable from the person or persons liable therefor as an arrear of tax under this Act.

**Work to be done by
licensed plumber**

207. (1) The Executive Authority may grant licence to any person possessing such technical qualifications as may be provided by regulations to act as a licensed plumber.

(2) No person, other than a licensed plumber, shall execute any work under chapter XX, chapter XXI, and this chapter, and no person shall permit any such work to be executed except by a licensed plumber:

Provided that if, in the opinion of the Chief Municipal Officer, the work is of a trivial nature, he may grant permission, in writing, for the execution of such work by a person other than a licensed plumber.

- (3) The Municipality shall, by regulations, provide for –
 - (a) the issue of licence to plumbers,
 - (b) the terms and conditions of engagement of licensed plumbers,
 - (c) the duties and responsibilities, and the guidelines for the functions, of licensed plumbers,
 - (d) the charges to be paid to licensed plumbers for different types of works,
 - (e) the hearing and disposal of complaints made by the owners or occupiers of any premises with regard to the work executed by licensed plumbers, and
 - (f) the suspension or cancellation of licence in the case of contravention of any such regulations by any licensed plumber, whether he is prosecuted under this Act or not.

Power of access to waterworks, and drainage and sewerage installations.

- 208. (1) The Chief Municipal Officer, or any agency authorized by him in this behalf, or any person appointed by the State Government in this behalf, may, for the purpose of inspecting or repairing or executing any work in, upon, or in connection with, any waterworks at all reasonable times,–
 - (a) enter upon, and pass through, any land within or outside the municipal area, adjacent to, or in the vicinity of, such waterworks, in whomsoever such land may vest, and
 - (b) convey into and through any such land all necessary materials, tools, and implements.
- (2) In the exercise of any power conferred by this section, as little damage as possible may be done, and compensation for any damage which may be done in the exercise of any such power shall be paid by the Chief Municipal Officer, or the agency authorized by him in this behalf, or, if the person so appointed by the State Government has caused the damage, by the State Government.

Prohibition of certain acts.

- 209. (1) No person shall –
 - (a) willfully obstruct any person acting under the authority of the Chief Municipal Officer in setting out the lines of any works or pull up or remove any pillar, post or shaft fixed in the ground for the purpose of setting out lines of such works, or deface or destroy any works made for such purpose, or

- (b) willfully or negligently break, damage, turn on, open, close, shut off, or otherwise interfere with, any lock, cock, valve, pipe, meter, or other work or apparatus belonging to the Municipality, or
 - (c) unlawfully obstruct the flow of, or flush, draw off, or divert, or take water from, any waterworks belonging to the Municipality or any water-course by which any such waterworks is supplied, or
 - (d) unlawfully obstruct the flow of, or flush, draw off, or divert, or take, sewage work belonging to the Municipality or break, or damage, any electrical transmission line maintained by the Municipality, or
 - (e) throw any material including plastic bags and containers or waste of dairies, piggeries and poultry farms into any municipal drain or sewer, or
 - (f) obstruct any officer or other employee of the Municipality in the discharge of his duties under chapter XX, chapter XXI, and this chapter or refuse, or wilfully neglect, to furnish him with the means necessary for the making of any entry, inspection, examination, or inquiry thereunder in relation to any water or sewage work, or
 - (g) bathe in, at, or upon, any waterworks, or wash, or throw, or cause to enter therein, any animal, or throw any rubbish, dirt, or filth into any waterworks, or wash, or clean therein, any cloth, wool, or leather, or the skin of any animal, or cause the water of any sink or drain or any steam-engine or boiler or polluted water to turn, or to be brought, into any waterworks, or do any other act, whereby the water in any waterworks is fouled or is likely to be fouled.
- (2) Nothing in clause (b) of sub-section (1) shall apply to a consumer closing the stopcock fixed on the service pipe supplying water to his premises so long as he has the consent of any other consumer, supply to whom will be affected thereby.

Charges for sewerage services and levy of sewerage tax.

210. (1) The Municipality, or the concerned Department, or organization, of the State Government, or the agency, as the case may be, may, from time to time, by notification, fix the rate or rates of tax for sewerage services on the basis of number of connection points, number of lavatories, size of house connections, or quantity of sewage flow as may be assessed by the Municipality, or the concerned Department, or organization, of the State Government, or the agency, as the case may be.

- (2) For the purposes of this Act, the Municipality, or the concerned Department, or organization, of the State Government, or the agency, as the case may be, shall levy on premises situated in an area where sewerage service is made by it a tax at such rate, not being less than *per cent*, and not more than *percent*, of the assessed annual value of the premises as the Municipality, or the concerned Department, or organization, of the State Government, or the agency, as the case may be, may, from time to time, by notification, specify, and different rates of tax may be specified for different areas after taking into consideration the economic condition of the people residing in that area:

Provided that no such tax shall be levied and collected in any area where such tax is already being collected by any authority under the provisions of any other law for the time being in force.

Entrustment of operation and maintenance of sewerage works and billing and collection of sewerage tax.

211. The Chief Municipal Officer may, with the prior approval of the Executive Authority, entrust the work of operation and maintenance of sewerage works in the municipal area and the work of billing and collection of sewerage tax to any agency.

Power of State Government to exercise control over imperfect, inefficient, or unsuitable waterworks, drainage works, or sewerage works.

212. (1) If, at any time, it appears to the State Government that any waterworks, or drainage works, or sewerage works, executed by, or vested in, the Municipality, are maintained, or worked, or run, in an imperfect, inefficient or unsuitable manner, the State Government may, by an order, in writing, direct the Municipality to show cause within such period as may be specified in the order why the waterworks, the drainage works, or the sewerage works, as the case may be, with all plants, fittings, and appurtenances thereof should not be handed over to the control and management of any person or any agency belonging to the State Government or any authority under any law for the time being in force, as may be specified in the order.
- (2) If no cause is shown to the satisfaction of the State Government within the period specified in the order referred to in sub-section (1), or the cause shown appears to be untenable, the State Government may, by an order, in writing, direct that the waterworks, the drainage works, or the sewerage works, as the case may be, with all plants, fittings and appurtenances thereof shall be handed over, for such period as the State Government may fix, to the control and management of such person, or agency, or authority, as the State Government may appoint, and on such terms and conditions as the State Government may determine.

- (3) During the period fixed under sub-section (2), the complete control and management of such waterworks, drainage works, or sewerage works, as the case may be, shall vest in the person, or the agency, or the authority, as aforesaid, who shall engage such establishment for the purpose of maintaining and working of such waterworks, drainage works, or sewerage works, as the case may be, as the State Government may, from time to time, determine; and such establishment may include the employees of the Municipality who were, or have been, employed in the maintenance or working of such waterworks, drainage works, or sewerage works.
- (4) The cost of such establishment, including costs of all materials, implements and stores, shall be paid out of the Municipal Fund within such period as may be fixed by the State Government.

Municipal Water-supply, Drainage, and Sewerage Code.

- 213. (1) The Municipality shall prepare and maintain a Code to be called the Municipal Water-supply, Drainage, and Sewerage Code which shall include such regulations as may be made from time to time relating to the construction, maintenance, repair, and alteration of waterworks, water-supply mains, supply-pipes, drains, sewers, privies and urinals, cesspools, and appurtenances thereof and other matters under chapter XX or chapter XXI or this chapter.
- (2) The regulations as aforesaid shall provide for inspection of premises by the Chief Municipal Officer, or any other officer, or any agency, authorized by him in this behalf, as the case may be, to ascertain compliance with the provisions of this Act and the rules and the regulations made thereunder.

Chapter XXIII

Solid Wastes

A. Functions in Relation to Solid Wastes Management

Duty of Municipality in respect of solid wastes management and handling.

- 214. The Municipality shall, within the municipal area, be responsible for implementation of the rules made by the Central Government in exercise of the powers conferred by the Environment (Protection) Act, 1986, to regulate the management and handling of municipal solid wastes and for development of any infrastructure for collection, storage, transportation, processing, and disposal of such solid wastes *either by itself, or through a Department, or organization, of the State Government, or any agency.*

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Entrustment of management and handling of solid wastes and billing and collection of charge.

215. Notwithstanding anything contained elsewhere in this Act, for the purposes of management and handling of municipal solid wastes and for development of infrastructure, if any, for collection, storage, transportation, processing, and disposal of such solid wastes, a charge shall be levied, and payment thereof shall be made, at such rate as the Municipality, or the concerned Department, or any organization, of the State Government, or the agency, may fix from time to time:

Provided that the charge as aforesaid shall, as far as practicable, be such as shall cover the costs on account of management and handling of municipal solid wastes and development of infrastructure, if any, for collection, storage, transportation, processing, and disposal thereof and also the costs of debt-servicing, depreciation of plant and machinery, and other charges, if any:

Provided further that the Municipality, or the concerned Department, or organization, of the State Government, or the agency, as the case may be, entrust the development of infrastructure for collection, storage, transportation, processing, and disposal of solid wastes and the work of management and handling of municipal solid wastes and billing and collection of the charges as aforesaid to any agency under any law for the time being in force or to any other agency.

Functions of Municipality

municipality

216. The Municipality or the concerned Department, or organization, of the State Government, or any agency, as the case may be, shall either on its own or through the agency authorized by it in this behalf, -

State Government, or any agency, as the case may be, shall either on
its own or through the agency authorized by it in this behalf, -

- (a) *organize collection of municipal solid wastes through any of the means, i.e. community bin collection (central bin), house-to-house collection, and collection on regular pre-informed times and schedules,*
- (b) devise collection of solid wastes from slums and squatter areas or other localities including hotels, restaurants, office complexes, and commercial areas,
- (c) remove at regular intervals all solid wastes so collected under clause (a) and clause (b) for disposal on daily basis, and
- (d) arrange for making use of biodegradable wastes from slaughterhouses, meat and fish markets, and fruits and vegetable markets in an environmentally acceptable manner.

Solid wastes to be property of Municipality.

217. All solid wastes deposited in public receptacles, depots, and places provided or appointed under section 218 and all solid wastes collected by the municipal employees or contractors or any agency, authorized in this behalf, shall be the property of the Municipality.

Appointment of places for disposal and final disposal of solid wastes.

218. The Municipality may, either on its own or through any agency, cause the solid wastes to be disposed of at such place or places within or outside the municipal area, and in such manner, as it may consider suitable:

Provided that no place which has not been used before the commencement of this Act for the purposes of this section, shall be so used, except -

- (i) in conformity with the provisions of any law relating to development, planning, and land use control or any other law relating thereto for the time being in force, or
- (ii) in the absence of any such law, with the approval of the State Government: Provided further that the solid wastes shall not be finally disposed of in any manner which the State Government may think fit to disallow.

B. Collection and Removal of Solid Wastes

Duty of owners and occupiers of premises to store solid wastes at source of generation

219. It shall be the duty of the owners and the occupiers of all lands and buildings in the municipal area -

- (a) to have the premises swept and cleaned on a regular basis,
- (b) to provide for separate receptacles or disposal bags for the storage of -
 - (i) organic and bio-degradable wastes,
 - (ii) recyclable or non-biodegradable wastes, and
 - (iii) domestic hazardous wastes, so as to ensure that the different types of wastes as aforesaid do not get mixed,
- (c) to keep such receptacles in good condition and order, and
- (d) to cause all such wastes, including rubbish, offensive matter, filth, trade refuse, carcasses of dead animals, excrementitious matters, bio-medical wastes and other polluted and obnoxious matters to be collected from the premises of such owners and occupiers and to be deposited in community bins or receptacles at such times, and in such places, as the Chief Municipal Officer may, by notice, specify.

Duty of Cooperative Housing Society, Apartment Owners' Association, etc.

220. It shall be the duty of the managements of co-operative housing societies, apartment owners' associations, residential and non-residential building complexes, educational buildings, institutional buildings, assembly buildings, business buildings, mercantile buildings, industrial buildings,

storage buildings, and hazardous buildings to provide at their premises community bins or disposal bags of appropriate size as may be specified by the Municipality for temporary storage of wastes (other than recyclable wastes), hazardous wastes, and bio-medical wastes for their subsequent collection and removal by the Municipality:

Provided that a separate community bin shall be provided for the storage of recyclable wastes where door-to-door collection is not made.

Prohibitions.

221. No person and no owner or occupier of any land or building shall - (a) litter any public place or deposit at any public place any solid waste, (b) deposit building rubbish in, or along, any public street, public place, or open land, (c) allow any filthy matter to flow on any public place, or (d) deposit, or otherwise dispose of, the carcass or any part of any dead animal at a place not provided or appointed for such purpose.

Punishment for littering on streets and depositing or throwing any solid waste.

222. (1) Whoever litters any street or public place or deposits or throws or causes or permits to be deposited or thrown any solid waste or building rubbish at any place in contravention of the provisions of this Act, or permits the flow of any filthy matter from his premises, shall be punished on the spot with a fine, being not less than one hundred rupees, as may be determined by regulations from time to time.
- (2) Such spot fines may be collected by officers, not below the rank of a sanitary inspector, duly authorized by the Municipality in this behalf.

Bio-medical wastes.

223. It shall be the duty of the Municipality, either on its own or through any agency authorized by it in this behalf, to implement the provisions of the rules made by the Central Government in exercise of the powers conferred by the Environment (Protection) Act, 1986, to regulate the management and handling of bio-medical wastes to the extent such rules apply to the Municipality.

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Hazardous wastes.

224. It shall be the duty of the Municipality, either on its own or through any agency authorized by it in this behalf, to implement the provisions of the rules made by the Central Government in exercise of the powers conferred by the Environment (Protection) Act, 1986, to regulate the management and handling of hazardous wastes to the extent such rules apply to the Municipality.

Chapter XXIV

Markets, Commercial Infrastructure, and Slaughterhouses

Commercial Infrastructure.

225. The Municipality may, either on its own or through any agency authorized by it in this behalf, implement any scheme for construction, operation,

maintenance, and management of commercial infrastructure including district centres, neighbourhood shopping centres, shopping malls, and office complexes, and may rent out, lease, or dispose by outright sale, such commercial infrastructure or any part thereof.

**Provision of municipal
markets and
slaughterhouses.**

226. (1) The Chief Municipal Officer may, either on his own or through any agency, provide and maintain in the municipal area such number of municipal markets, slaughterhouses, or stockyards, as he thinks fit, together with stalls, shops, sheds, pans, and other buildings and conveniences for the use of persons carrying on trade or business and may provide and maintain in any such markets, buildings, or other places, machines, weights, scales, and measures for the weighing or measurement of goods sold therein.

(2) Subject to such directions as the Municipality may give in this behalf, the Chief Municipal Officer or any agency, as the case may be, may, by a notice, in writing, close any municipal market or slaughterhouse or stockyard or any portion thereof, on and from such date as may be specified in the notice, and, thereupon, the premises occupied for any municipal market, slaughterhouse, or stockyard, or any portion thereof, so closed, may be disposed of as the property of the Municipality.

**Use of municipal
markets.**

227. (1) No person shall, without the general or special permission, in writing, of the Chief Municipal Officer, sell, or expose for sale, any animal or article in any municipal market within the municipal area.

(2) Any person contravening the provisions of sub-section (1), and any animal or article exposed for sale by such person, may, by or under the order of the Chief Municipal Officer, be summarily removed from the market by any police-officer or by any officer or other employee of the Municipality, authorized by the Chief Municipal Officer in this behalf.

**Levy of stallage, rent
and fee.**

228. Subject to such regulations as may be made from time to time, the Chief Municipal Officer, either on his own or through any agency, as the case may be, may charge stallage, rent, or fee for the occupation of, or the use of facilities in, a municipal market or a municipal slaughterhouse.

PART VI
**URBAN ENVIRONMENTAL MANAGEMENT, COMMUNITY HEALTH,
AND PUBLIC SAFETY**

Chapter XXV

Local Agenda for Urban Environmental Management

- Duties of Municipality.*** 229. (1) Having regard to the links between urban economy, infrastructure, productivity, poverty, and environmental health in the municipal area, the Municipality shall take adequate measures for -
- (a) managing urban environment,
 - (b) measuring quality of living and working environment,
 - (c) monitoring pollution levels, and
 - (d) undertaking health risk assessment.
- (2) For carrying out the purposes of sub-section (1), the Municipality shall involve such agencies and community based organizations, either in the public sector or in the private sector, as may be necessary to -
- (a) carry out studies on vulnerability and risk assessment,
 - (b) enhance the capability of the Municipality or agencies through research and training activities for better management of environment,
 - (c) prepare environmental management strategy and action plan, and establish adequate institutional framework for the implementation thereof, and
 - (d) provide and manage environmental infrastructure services.
- Functions in relation to urban environmental management and submission of report on environmental status of municipal area.*** 230. (1) Without prejudice to the generality of the provisions of section 229, the Municipality shall, either on its own, or through a Department, or organization, of the State Government, or any agency, undertake functions relating to the following matters :-
- (a) supply of safe water,
 - (b) low cost sanitation,
 - (c) environmentally sound solid waste management,
 - (d) toxic waste collection and disposal,

- (e) waste recycling and recovery,
 - (f) control of air pollution,
 - (g) control of sound pollution,
 - (h) control of cattle and other animals in the municipal area,
 - (i) area improvement and resettlement,
 - (j) promotion of urban agriculture and urban forestry,
 - (k) maintenance of forests excluding tree-felling, development of parks, gardens, and open spaces,
 - (l) promotion of community awareness of environmental education, and
 - (m) such other matters as the Municipality may consider necessary.
- (2) The Municipality shall, for undertaking the functions as aforesaid, obtain technical personnel from the Forest, Environment and Wildlife Management Department of the State Government.
 - (3) The Chief Municipal Officer shall prepare and submit a report on the environmental status of the municipal area at the time of submission of the budget estimates.

Chapter XXVI

Environmental Sanitation and Community Health

A. Duties and General Powers

Duties of Municipality in regard to environmental sanitation.

231. It shall be the duty of the Municipality or any agency authorized by it in this behalf to take adequate measures for each of the following matters, namely :-
 - (a) inspection, supervision, regulation, and control of premises to ensure proper environmental sanitation,
 - (b) regulation of public bathing and washing,
 - (c) provision for, and maintenance of, public conveniences,
 - (d) grant of licence for keeping animals, and control of stray animals,
 - (e) grant of licence to -
 - (i) butchers, and
 - (ii) owner of slaughterhouses, and
 - (f) control of nuisance.

***Powers of Chief
Municipal Officer.***

232. Subject to such regulations as may be made in this behalf, the Chief Municipal Officer may, either on his own or through any agency authorized by him in this behalf, -

- (a) cause any building or other premises to be inspected for the purpose of ascertaining the sanitary condition thereof,
- (b) require the owner or the occupier of any land or building or any part thereof to cleanse such land or building or part thereof, if it appears to him or such agency, as the case may be, to be necessary so to do for reasons of sanitation,
- (c) issue such order as he deems necessary for the improvement of any unsanitary hut or shed and untenanted premises which are likely to cause risk of disease to the inmates thereof or to the inhabitants of the neighborhood or are, for any reason, likely to endanger community health or safety,
- (d) by a notice, in writing, prohibit the owner or the occupier from the use of any building, or any room in a building, which appears to him to be unfit for human habitation, as dwelling, or
- (e) direct the filling up of any well, pool, ditch, tank, pond, pit or undrained ground, cistern, or reservoir of any waste or stagnant water, which appears to him to be, or which is likely to become, injurious to health or offensive to the neighborhood.

***Power to regulate
excavations.***

233. (1) The Chief Municipal Officer may, by a general order, or by a special order affecting such portion of the municipal area as may be specified therein, prohibit -

- (a) the making of excavation for the purpose of taking earth therefrom or storing rubbish or offensive matter therein, or
- (b) the digging of cesspool, tanks, ponds, wells, or pits,

without his special permission.

- (2) No person shall make any excavation referred to in clause (a), or dig any cesspool, tank, pond, well, or pit referred to in clause (b), of sub-section (1) in contravention of any such order.
- (3) If any excavation is made, or any cesspool, tank, pond, well, or pit is dug, in contravention of the order under sub-section (1), the Chief Municipal Officer may, by a notice, in writing, require the owner or the occupier of the land, on which such excavation is made or such cesspool, tank, pond, well, or pit is dug, to fill it up with earth or other material approved by him.

Power to require trees, hedges, etc., to be trimmed.

234. Subject to the provisions of the Sikkim Forest, Water Courses and Road Reserve (Preservation and Protection) Act, 1988, the Chief Municipal Officer may, if he thinks fit, by a notice, in writing, require the owner of any land in the municipal area on which trees, shrubs, or hedges grow, to keep such trees, shrubs, or hedges *in a trim condition* so that such trees, shrubs, or hedges do not obstruct traffic on any street or pose any danger to public safety or overhang any street causing inconvenience or danger to the passers-by.

Act No.6 of 1988.

B. Regulation of Public Bathing, Washing, etc.

Regulation of public bathing etc.

235. The Chief Municipal Officer may, by an order, in writing, -
- (a) regulate the use by the public of any river, *jhora*, or other public place, whether vested in the Municipality or not, for bathing or washing,
 - (b) prohibit the use by the public of any *jhora*, lake, tank, reservoir, fountain, cistern, duct, stand-pipe, stream, or well, or any part of any river, whether vested in the Municipality or not, for bathing or washing,
 - (c) prohibit steeping in any tank, reservoir, stream, well, or ditch of any animal, vegetable, or mineral matter likely to render the water thereof offensive or dangerous to health,
 - (d) prohibit bathing in any lake, tank, reservoir, fountain, cistern, duct, stand-pipe, stream, or well by a person suffering from any contagious or infectious disease,
 - (e) prohibit any person, engaged in any trade or manufacture, from causing to flow into any *jhora*, lake, tank, reservoir, cistern, well, duct, or other place for storage of water, whether vested in the Municipality or not, or drain, or pipe, communicating therewith, any washing or other substance produced in the course of any such trade or manufacture, or willfully do any act connected with any such trade or manufacture whereby such water is likely to be fouled or corrupted, or
 - (f) prohibit the washing of clothes by washer men in pursuance of their calling, except at such places as may be licensed for such purpose

C. Public Conveniences

Public latrines and urinals.

236. (1) The Municipality shall, by itself or through any agency, provide and maintain in proper and convenient places a sufficient number of public latrines and urinals for use by the public.

- (2) Such public latrines and urinals may be so constructed as to provide separate compartments for each sex.

D. General Provisions

Prohibition of nuisances.

237. (1) No person shall-
- (a) commit any nuisance in any public street or public place, or
 - (b) unauthorizedly affix upon any building, monument, post, wall, fence, tree, or other thing, any bill, notice, or other document, or
 - (c) unauthorizedly deface, or write upon, or otherwise mark, any building, monument, post, wall, fence, tree, or other thing, or
 - (d) carry rubbish, filth, or other polluted and obnoxious matter along any route in contravention of any prohibition in this behalf by the Chief Municipal Officer by a notice, in writing, or
 - (e) bury, or cremate, or otherwise dispose of, any corpse at a place not licensed for the purpose, or
 - (f) disturb public peace or order in violation of noise pollution control order, if any, or
 - (g) cause pollution of air in violation of air pollution control order, if any, or
 - (h) cause obstruction to the movement of vehicular or pedestrian traffic without permission from the competent authority.
- (2) Where the Chief Municipal Officer is of the opinion that there is a nuisance on any land or building, he may, by a notice, in writing, require the person by whose act, default, or sufferance the nuisance arises or continues or the owner, lessee or occupier of such land or building to remove or abate the nuisance by taking such measures, in such manner, and within such period, as may be specified in the notice.
- (3) Where the Chief Municipal Officer is of the opinion that immediate removal of any nuisance continuing on any land or building in contravention of the provisions of this Act is necessary, he may, for reasons to be recorded in writing, cause such nuisance to be removed forthwith.

Control of pollution.

238. Subject to the provisions of any law relating to air, water or noise pollution for the time being in force and in accordance with any notification by the State Government in this behalf, the Municipality -
- (a) may, with the prior authorization by the State Pollution Control Board (hereinafter referred to in this section as the Board), function as a competent authority for the enforcement of such law,

- (b) shall submit an annual report to the Board, and
- (c) may refer to the Board any other matter pertaining to environmental pollution for advice and guidance on, and regulation of, such pollution.

Power to require wells, tanks, etc., to be rendered safe.

239. Where in any municipal area, any *jhora*, well, tank, reservoir, pool, depression, or excavation, or any bank, or tree is, in the opinion of the Chief Municipal Officer, in a ruinous state for want of sufficient repairs, protection, or enclosure and is a nuisance or is dangerous to passers-by, the Chief Municipal Officer may, by a notice, in writing, require the owner or the part-owner or any other person claiming to be the owner or the part-owner thereof, or failing any of them, the occupier thereof, to repair, protect, or enclose *such jhora*, well, tank, reservoir, pool, depression, excavation, bank or tree in such manner as he thinks necessary, and if, in the opinion of the Chief Municipal Officer, the danger is imminent, he shall forthwith take such steps as he thinks necessary to avert such danger.

Quarrying, blasting, cutting timber, or carrying on building operation.

240. No person shall quarry, blast, cut timber, or carry on building operations in such manner as to cause, or is likely to cause, danger to persons passing by, or dwelling or working in, the neighborhood.

Power to stop improper use of land or building.

241. If, within any municipal area, any land or building, by reason of its being abandoned or unoccupied, -

- (a) is in a filthy or unwholesome state, or
- (b) has become a resort for -
 - (i) idle and disorderly persons, or
 - (ii) persons who have no ostensible means of subsistence or cannot give a satisfactory account of themselves, or
- (c) is used for gambling or immoral purposes, or
- (d) is likely to occasion a nuisance, the Chief Municipal Officer may, after due enquiry, by a notice, in writing, require the owner or the part owner or any person claiming to be the owner or the part owner of such land or building, or the lessee, or any person claiming to be the lessee, thereof to -
 - (i) secure, enclose, cleanse, or clear such land or building, or
 - (ii) stop use of such land or building for gambling or immoral purposes, or
 - (iii) abate the nuisance,

within such time as may be specified in the notice, and shall affix a copy of such notice on the door of the building or on some conspicuous part of the land, as the case may be.

Polluters to pay.

242. The Municipality may, by regulations, provide for recovery of charges from, or imposition of penalty on, such persons as are directly responsible for causing pollution of any kind referred to in this chapter.

Chapter XXVII

Restraint of Infection

Municipality to prevent and check dangerous disease.

243. (1) It shall be the duty of the Municipality to take such measures as are necessary for preventing, or checking the spread of, any dangerous disease in the municipal area or any epidemic disease among any animals therein.
- (2) Any person, whether as a medical practitioner or otherwise, being in charge of, or in attendance upon, any other person, whom he knows to be, or has reason to believe to be, suffering from a dangerous disease, or being the owner, lessee, or occupier of any building in which he knows that any such person is so suffering, shall forthwith give information respecting the existence of such disease to the Chief Municipal Officer.

Power of Chief Municipal Officer to inspect any place and take measures to prevent spread of dangerous disease.

244. (1) The Chief Municipal Officer may, at any time, by day or by night, and with or without notice, inspect any place in which any dangerous disease is reported or suspected to exist, and take such measures as he may think fit to prevent the spread of such disease beyond such place, and shall forthwith send information thereof to the State Government, the District Collector, and the seniormost functionary of the Health Department of the State Government in the District.
- (2) When any person suffering from any dangerous disease is found to be -
- (a) without proper lodging or accommodation, or
 - (b) living in a room or house which he neither owns nor pays rent for, nor occupies as a guest or relative of the person who owns, or pays rent for, such room or house, or
 - (c) living in a *sarai*, hotel, boarding house, or hostel, or
 - (d) lodged in premises occupied by members of two or more families, the Chief Municipal Officer, or any person authorized by him in this behalf, may, on the advice of any Medical Officer, remove the person so suffering to any hospital or place at which persons suffering from such disease are received for medical treatment and may do anything necessary for such removal.

**Power of Chief
Municipal Officer to
cleanse, disinfect,
destroy, or control
places of infection.**

245. (1) The Chief Municipal Officer may cleanse, or disinfect, or cause *destruction of any building, hut or shed, water-source, or lodging house or eating house*, if, in his opinion, such cleansing, disinfection, or destruction would tend to prevent, or to check the spread of, any dangerous disease, and, in case of any emergency, he may cause such cleansing or disinfection to be done by the employees of the Municipality at the cost of the owner or the occupier of such building, hut or shed, water-source, lodging house, or eating house, as the case may be, or, at the cost of the Municipality, if, in his opinion, such owner or occupier is unable to pay the cost owing to poverty.

(2) Where the Chief Municipal Officer is satisfied that the destruction of any building, hut or shed, or clothing, or article is immediately necessary for the purpose of preventing the spread of any dangerous disease, he may cause such building, hut or shed, or clothing, or article to be destroyed:

Provided that compensation may be paid by the Chief Municipal Officer to any person who sustains substantial loss by the destruction of such building, hut or shed, or clothing, or article.

(3) The Chief Municipal Officer may, on being satisfied that it is in the public interest so to do, by an order, in writing, direct that any lodging house or any place in the municipal area where articles of food and drink are sold, prepared, stored, or exposed for sale, being a lodging house or place in which a case of dangerous disease exists or has recently occurred, shall be closed for such period as may be specified in the order:

Provided that such lodging house or place may be declared to be open, if the Municipal Health Officer certifies that it has been disinfected or is free from infection.

(4) The Chief Municipal Officer or any person authorized by him may, at all reasonable times, enter into, and inspect, any market, building, shop, stall, or place, used for the sale of food or drink, or as a slaughterhouse, or for the sale of drug, and inspect and examine any food, drink, animal, or drug, which may be therein, , and, if such article of food or drink or animal or drug, intended for the consumption of persons, appears to be unfit for such consumption, he may, by a notice, in writing, restrict the sale of such food, drink, animal or drug, as the case may be, in such manner, and for such period, as he may deem fit.

(5) If the Chief Municipal Officer is of the opinion that the water in any *jhora*, well, tank, or other place in the municipal area is likely to cause the outbreak or spread of any disease, he may, by a notice, in writing, prohibit the removal or use of such water for drinking, and require the owner or the person having control of such well, tank, or other place to take such steps as may be required by

such notice to prevent the public from having access to, or from using, such water, and may take such other steps as he may consider necessary or expedient to prevent the outbreak or spread of such disease:

Provided that in the case of an emergency, the Chief Municipal Officer or any person authorized by him in this behalf may, for the purpose of preventing the spread of any dangerous disease, with or without notice and at any time, inspect and disinfect any *jhora*, well, tank, or other place from which water is, or is likely to be, taken,

Special measures in case of outbreak of dangerous or epidemic diseases.

246. (1) In the event of any municipal area or any part thereof being visited or threatened by an outbreak of any dangerous disease among the inhabitants thereof or of any epidemic disease among any animals therein, the Chief Municipal Officer may, if he thinks that the provisions of this Act and the provisions of any other law for the time being in force are insufficient for the purpose of preventing the outbreak of such disease, with the previous approval of the Municipality, -

(a) take such special measures, and

(b) by a notice, in writing, give such directions to be observed by the public or by any class or section of the public as he thinks necessary,

to prevent the outbreak of such disease:

Provided that where, in the opinion of the Chief Municipal Officer, immediate action is necessary, he may take such action without such approval and, if he does so, he shall forthwith report such action to the Municipality.

- (2) Any person, who commits a breach of any direction given in the notice under clause (b) of sub-section (1) shall be deemed to have committed an offence under section 188 of the Indian Penal Code.

45 of 1860.

Means for disinfection.

247. (1) The Municipality may, in its discretion, or shall, when the State Government so directs, -

(a) provide proper places within the municipal area with necessary attendants and apparatus for disinfection of conveyances, clothings, beddings, or other articles which have been exposed to infection, and

(b) cause conveyances, clothings, beddings, or other articles brought for disinfection, to be disinfected, either free of charge or on payment of such charges as it may fix.

Special conveyance for carrying infected persons.

Prohibitions.

Acts prohibited in connection with disposal of dead.

- (2) The Chief Municipal Officer may notify places at which such conveyances, clothings, beddings, or other articles, which have been exposed to infection, shall be washed and, if he does so, no person shall wash any such conveyances, clothings, beddings, or other articles at any place, not so notified, without previous disinfection.
 - (3) The Chief Municipal Officer may direct the destruction of any clothing, bedding, or other article, which is likely to retain infection, and may give such compensation as he thinks fit for such clothing, bedding, or other article, so destroyed.
248. (1) Subject to such regulations as may be made in this behalf, the Chief Municipal Officer may, either on his own or through any agency, provide and maintain suitable conveyances for the free carriage of persons suffering from any dangerous disease or dead bodies of persons who died of such disease.
- (2) The Chief Municipal Officer may, either on his own or through any agency, provide for disinfection of any public conveyance, which carried any person suffering from a dangerous disease or corpse of any person who died of such disease.
249. Subject to such regulations as may be made in this behalf, the Chief Municipal Officer may prohibit -
- (a) the letting out of any infected building without being first disinfected,
 - (b) the disposal of infected articles without disinfection,
 - (c) the washing of any infected clothes by any washerman or laundry, and
 - (d) the making and selling of food, or washing of clothes, by infected persons.

Chapter XXVIII

Disposal of the Dead

250. (1) No person shall -
- (a) retain a corpse in any premises without burning or burying it, or otherwise lawfully disposing of it, for so long a time after death as may create a nuisance,
 - (b) carry a corpse, or any part of a corpse, along any street without having or keeping such corpse or part of such corpse decently covered, or without taking such precautions to prevent risk of infection or injury to the community health as the Chief Municipal Officer may, by a notice, in writing, from time to time, require,

- (c) carry a corpse or part of a corpse along any street on which the carrying of corpse is prohibited by a notice, in writing, issued by the Chief Municipal Officer in this behalf, except when no other route is available,
 - (d) remove a corpse or part of a corpse, which has been kept or used for the purpose of dissection, otherwise than in a closed receptacle or vehicle,
 - (e) place or leave a corpse or part of a corpse, during its conveyance, on or near any street without urgent necessity,
 - (f) bury, or cause to be buried, any corpse or part of a corpse in the grave, or vault, or otherwise, in such manner as may cause the surface of the coffin or, when no coffin is used, of the corpse or part of the corpse to be at a depth of less than two metres from the surface of the ground,
 - (g) build, dig, or cause to be built or dug, any grave or vault in any burial ground at a distance of less than one-half of a metre from the margin of any other grave or vault,
 - (h) build or dig, or cause to be built or dug, a grave or vault in any burial ground in any line, not marked out by or under the order of the Chief Municipal Officer for such purpose,
 - (i) reopen for the interment of a corpse or any part of a corpse a grave or vault already occupied, without the permission, in writing, of the Chief Municipal Officer,
 - (j) make, without the permission of the Chief Municipal Officer, any vault or grave for interment within any wall, or underneath any passage, porch, portico, plinth, or verandah, of any place of worship,
 - (k) build, dig, or cause to be built or dug, any grave or vault, or, in any way, dispose of, or suffer or permit to be disposed of, any corpse at any place, which is not permitted under this chapter, without the permission of the Chief Municipal Officer, and
 - (l) exhume, without the permission of the Chief Municipal Officer, any body from any place for the disposal of the dead except under the provisions of the Code of Criminal Procedure, 1973, or any other law for the time being in force. 2 of 1974.
- (2) The Chief Municipal Officer may, in special cases, grant permission for any of the purposes referred to in clauses G) to (l) of sub-section (1), subject to such general or special order as the State Government may, from time to time, make in this behalf.

- (3) Any contravention of the provisions of clauses G) to (I) of sub-section (I) shall be deemed to be a cognizable offence within the meaning of the Code of Criminal Procedure, 1973.

2 of 1974.

**Registration of places
for disposal of the
dead.**

251. (1) Subject to such regulations as may be made in this behalf, every owner or person having the control of any place which is already used for disposal of the dead, but which has not vested in, or is owned by, the Municipality or any Board appointed by the State Government for administration of such place, shall submit to the Chief Municipal Officer an application for registration of such place, containing such particulars as may be specified by the Municipality, within a period of three months from the date of commencement of this Act.
- (2) If the Chief Municipal Officer is satisfied with the application and the particulars under sub-section (1), he may register such place on such terms and conditions as may be provided by regulations.
- (3) The Chief Municipal Officer may, with the approval of the Chief Councillor, provide suitable and convenient place for the disposal of the dead within or outside the municipal area, subject to the provisions of any State Act regulating such land use or, in the absence of any State Act in this behalf, with the approval of the State Government.
- (4) No place which has not previously been lawfully used or registered for the disposal of the dead shall be opened for such disposal except in conformity with the provisions of any State Act regulating such land use or, in the absence of any State Act in this behalf, with the approval of the State Government.

**Disposal of dead
animals.**

252. (1) Whenever any animal, which is under the charge of any person, dies, such person shall, within twenty-four hours of such death, either, -
- (a) convey the carcass to a place provided or appointed under this Act for the final disposal of carcasses of dead animals, or
- (b) give notice of the death of such animal to the Chief Municipal Officer, whereupon he shall cause the carcass to be disposed of.
- (2) The Chief Municipal Officer may, for the purpose of the disposal of the carcass of a dead animal referred to in clause (b) of sub-section (1), charge such fee as may be determined by the Municipality by regulations.
- (3) Where any dead animal does not belong to any person, the Chief Municipal Officer shall act immediately for causing the carcass to be disposed of.

Chapter XXIX

Forests in Municipal Area, Parks, Gardens, Trees, and Playgrounds

Municipality to implement schemes.

253. (1) The Municipality shall take necessary steps for-
- (a) maintenance of forest, excluding tree-felling, located within the municipal area.
 - (b) promotion of urban forestry,
 - (c) creation of public parks and gardens, and planting of trees,
 - (d) provision of parks and playgrounds for children and youth,
 - (e) provision of street-side gardens,
 - (f) encouragement of nurseries, and
 - (g) organization of flower shows.
- (2) For the purposes of sub-section (1), the Municipality shall obtain technical personnel from the Forest, Environment and Wildlife Management Department of the State Government.
- (3) The Municipality may, from time to time, take steps to promote awareness about the national heritage of flora and fauna among the school children and the youth.

Harvesting of rain water.

254. (1) In every building owned or occupied by the State Government or a statutory body or a company or an institution owned or controlled by the State Government or in public parks, gardens, and other open spaces under its administrative control, rain water harvesting structure shall be provided in such manner as may be prescribed.
- (2) The Municipality may, from time to time, take steps to promote harvesting of rain water and may also undertake campaigns to promote public awareness of conservation of rain water.

PART VII

REGULATORY JURISDICTION

Chapter XXX

Development Plan and Local Area Plan

***Representation in
District Planning
Committee***

255. Having regard to the provisions of article 243ZD of the Constitution of India and of any State law enacted under this article, a Municipality shall participate in the election of members of the District Planning Committee and such members shall actively represent the interests of the Municipality in such Committee.

***Municipality to
implement
development plans.***

256. (1) Having regard to the draft development plan, as prepared by the District Planning Committee and as approved by the State Government, the Municipality shall implement such components of such development plan as relate to its jurisdiction and carry out such functions as may be assigned to it in this behalf.
- (2) Without prejudice to the generality of the foregoing provisions of this section, the Municipality shall by itself or through any other agency undertake, subject to such directions as the State Government may give in this behalf, from time to time, preparation of plans for infrastructure development including water-supply, drainage and sewerage, solid waste management, roads, and transport system accessories.

***Local Area Plan,
context, and
objectives.***

257. (1) Subject to such directions as the State Government may give from time to time and the provisions of the Sikkim Urban and Regional Planning and Development Act, 1998, the Municipality may prepare one or more Local Area Plans:

Act No.7 of 1998.

Provided that the Municipality may also prepare, subject to the provisions of this chapter, a Local Area Plan on the basis of any petition by the residents of any area within the jurisdiction of the Municipality.

- (2) A Local Area Plan may be prepared in accordance with the provisions of this Act in respect of any land which is -
- (a) vacant, or
 - (b) in the course of development, or
 - (c) already built upon.
- (3) A Local Area Plan -
- (a) may be prepared to achieve, and
 - (b) shall not be limited to the achievement of,

the following objectives :-

- (i) development or re-development of land, and conservation of buildings, natural features or other physical features,
- (ii) providing improvements in the physical layout, making infrastructure and amenities available and managing the area to enhance health and safety of the occupants to support economic development as well as to enhance the quality of living environment, and
- (iii) preparation of area specific regulatory parameters for Local Area Plan

Explanation. -"area specific regulatory parameters for Local Area Plan" shall include height of buildings, quantum of built-up area, regular lines of streets and building lines, setbacks, floor area ratios, facade controls, parking spaces, loading and unloading spaces, sizes and locations of projections and advertisement signs, and circulation pattern,

- (4) A Local Area Plan, which may be prepared to achieve the objectives referred to in sub-section (3), may provide for, but shall not be limited to, the following matters-

(a) preparation of -

- (i) area specific regulatory parameters for Local Area Plan for an area included in such Local Area Plan,
- (ii) plan for laying out, or re-laying out, of land, either vacant or already built upon,
- (iii) plan showing the layout of new streets or construction, diversion, extension, alteration or improvement, or closing up, of streets, and discontinuance of communications,
- (iv) urban design plans for the area which may include height of buildings, quantum of built-up area, regular lines of streets and building lines, setbacks, floor area ratios, facade controls, parking spaces, loading and unloading spaces, sizes and locations of projections and advertisement signs, and circulation pattern;

(b) allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets, transport facilities, and public purposes of all kinds.

Explanation. -"public purpose" shall mean any purpose concerning, or open to, the people as a whole;

- (c) reservation of land for sale by the Municipality for residential, commercial, or industrial use, depending upon the nature of the anticipated development;
- (d) construction, alteration, or removal of buildings, bridges, and other structures; and
- (e) filling up, or reclamation, of low-lying, swampy, or unhealthy areas, or levelling of land:

Provided that the maximum height of building on any land shall be in accordance with the suitability and profiles of the locations based on the stability map of the area as prepared by the Mines and Geology Department of the State Government.

Chapter XXXI

Public Streets

A. General Powers

Maintenance and classification of public streets.

258. (1) Subject to such directions as the State Government may give from time to time, all public streets in the municipal area shall be maintained either by the Roads and Bridges Department of the State Government or the Municipality
- (2) The Executive Authority shall classify all public streets in the municipal area in the following categories :-
- (a) category I -roads other than district roads,
 - (b) category II -approach roads other than category I roads, and
 - (c) category III -paths and passages,
- (3) The classification shall be done with due regard to the traffic role of the particular public street and the nature and volume of traffic on it, its existing width, and abutting land uses.

Naming and numbering of streets.

259. (1) Subject to such directions as the State Government may give from time to time, the Municipality shall -
- (a) determine the name or number by which any street or public place vested in it shall be known,
 - b) cause to be put up or painted at a conspicuous part of any building, wall or place at or near each end, corner or entrance of such street or some convenient part of such street, the name or number by which it shall be known, and

(c) cause to be put up or painted on boards of suitable size the name of any public place vested in the Municipality.

(2) The Municipality may, having regard to the hierarchy of the street system, by regulations, specify the norms according to which the streets may be named or numbered.

(3) No person shall destroy, remove, deface, or, in any way, injure or alter any such name or number or sub-number put up, or paint any name or number or sub-number different from that put up or painted by order of the Municipality.

**Unique premises
number.**

260. (1) The Municipality shall, when so required by the State Government, assign a unique premises number to every premises or part thereof in the municipal area and shall cause to be maintained a register wherein such unique premises number shall be recorded in respect of each such premises.

Explanation. -In this section, the expression "unique premises " number" shall mean a number assigned to the premises or part thereof by the Municipality in the following manner, namely :-

(a) the first three digits indicating the ward number,

(b) the next three digits indicating the street number,

(c) the next four digits indicating the premises number,

(d) the next three digits indicating the sub-premises number,

(e) the next one digit indicating the code of the building use, such as residential, commercial, industrial or other use, and

(f) the last one digit indicating the code of type of construction.

(2) When the unique premises numbers in respect of premises in any ward of the Municipality have been determined, the Chief Municipal Officer shall notify such unique premises numbers in such manner as may be prescribed.

(3) When, after the unique premises numbers in respect of premises in any ward have been notified under sub-section (2), any person who is required under this Act or any other State law to make any application to the Municipality for any permission or licence or for payment of any tax, or for payment of any dues for any service, or for such other purposes as may be prescribed, the person making the application shall mention in the application the unique premises number assigned under sub-section (1).

Rights of way for public utilities.

261. Subject to the provisions of the Indian Telegraph Act, 1885, the Indian Electricity Act, 1910, the Sikkim Forests, Water Courses and Road Reserve (Preservation and Protection) Act, 1988 and such other laws as may be notified by the State Government for the purposes of this section, the State Government may, by rules, provide for the following, namely :-

13 of 1885. 9 of 1910. Act No.6 of 1988.

- (a) the sanction by the Municipality of specific rights of way in any land, other than the forest land, or sub-soil of public or private streets in any municipal area for different public utilities including electric supply, telephone or other telecommunication facilities, gas pipes, water-supply, drainage and sewerage, and warehousing facilities and apparatus and appurtenances related thereto provided by the State Government, or any statutory body or any licensee under any of the above mentioned Acts or other laws,
- (b) the levy of any fee or charges under any of the Acts or other laws as aforesaid,
- (c) the furnishing to the Municipality of maps, drawings and statements which shall enable it to compile and maintain precise records of the placement of the public utilities in the municipal area,

Maps of public utilities.

262. The Chief Municipal Officer shall cause to be maintained complete survey maps, drawings and descriptions of all public utilities in the municipal area, and maps of fire hydrants and sewerage man-holes in such Form, and in such manner, as may be provided by regulations, and shall ensure the secrecy of the same in conformity with the provisions of any law relating to right to information.

Power to prohibit use of public streets for certain kind of traffic.

263. The State Government shall, by rules, provide for prohibition of use of public streets for certain kind of traffic.

B. Regular Line of Street

Defining regular line of street.

264. (1) Subject to such directions as the State Government may give from time to time, the Municipality may define the regular line on one or both sides of any public street or portions thereof in accordance with the regulations made in this behalf and may redefine at any time any such regular line:

Provided that before such defining or redefining, as the case may be, the Municipality shall, by notice, afford a reasonable opportunity to the residents of premises abutting on such public street to make suggestions or objections with respect to the proposed defined or redefined line of the street and shall consider all such suggestions or objections which may be made within one month from the date of publication of such notice:

Provided further that the street alignment of any public street operative under any law for the time being in force in any part of the municipal area immediately before the commencement of this Act, shall be deemed to be the regular line of such public street defined by the Municipality under this sub-section.

- (2) The line defined or redefined shall be called the regular line of the street.
- (3) No person shall construct or reconstruct any building or a portion thereof or any boundary wall or other structure whatsoever within the regular line of a street.
- (4) The Chief Municipal Officer shall maintain a register containing such particulars as may be specified by the Municipality in this behalf, with plans attached thereto, showing all public streets in respect of which the regular line of the street has been defined or redefined and containing any other particulars which he may deem necessary
- (5) All such registers shall be open to inspection by any person on payment of such fee, and any extract therefrom may be supplied on payment of such charge, as may be determined by the Municipality by regulations.

C. Obstruction on Streets

Temporary erection on streets during festivals.

265. The State Government shall, by rules, provide for the following matters:-

- (1) temporary erection on streets during festivals,
- (2) precautions during construction or repair of street, drain or premises,
- (3) regulation of streets, and
- (4) restoration of municipal properties by public utilities.

Chapter XXXII

Regulation of Building Activities

Definitions.

266. In this Chapter, unless the context otherwise requires,-

- (a) "Advocate" has the same meaning as in the Advocates Act, 1961.
25 Of 1961.
- (b) "Advocate on Record" means a registered Advocate engaged by a person who has the right and title over the plot or lessee in respect of the plot for a building activity;

- (c) "Architect" has the same meaning as in the Architects Act, 1972; 20 of 1972.
- (d) "Architect on Record" means a registered Architect engaged by a person who has the right and title over the plot or lessee in respect of the plot for a building activity;
- (e) "building activity" with all its grammatical variations and cognate expressions means the carrying out of any building, engineering, mining, or other operation in, over, or under, any land, or the making of any material change -
 - (i) in any building or land, or
 - (ii) in the use of any building or land.

Explanation. -"material change in any building" shall include demolition of a building or structure;

- (f) "building use" means the use of a building for -
 - (i) residential,
 - (ii) educational,
 - (iii) institutional.
 - (iv) assembly,
 - (v) business,
 - (vi) mercantile (both retail and wholesale),
 - (vii) industrial (including low, moderate and high fire hazards),
 - (viii) storage, or
 - (ix) hazardous

Purpose, in relation to -

- (1) "residential building" which means any building in which sleeping accommodation is provided for normal residential purpose with or without cooking facility or dining facility or both, and such building shall include one or two or multi- family dwelling, lodging or rooming house, hostel, dormitory, apartment house and flat, and private garage,
- (2) "educational building" which means any building used for school, college or day-care purpose involving assembly for instruction, education or recreation incidental to educational use.
- (3) "institutional building" which means any building or part thereof ordinarily providing sleeping accommodation for occupants and used for the purpose of medical or other treatment or care of persons suffering from physical or mental illness, disease or infirmity, care of infants, convalescents or aged persons and

for penal or correctional detention in which the liberty of the inmates is restricted, and such building shall include hospital, clinic, dispensary, sanatorium, custodial institution, and penal institution like jail, prison, mental hospital and reformatory,

- (4) "assembly building" which means any building or part thereof where groups of people congregate or gather for amusement or recreation or for social, religious, patriotic, civic, travel, sports, and similar other purposes, and such building shall include theatre, motion picture house, drive-in- theatre, city hall, town hall, auditorium, exhibition hall, museum, skating rink, gymnasium, restaurant, eating-house, hotel, boarding-house, places of worship, dance hall, club room, gymkhana, passenger station and terminal of air, surface and other public transportation services, recreation pier, and stadium,
- (5) "business building" which means any building or part thereof used for transaction of business or for the keeping of accounts and records or for similar purposes and such building shall include office, bank, professional establishment, court house, and library for the principal function of transaction of public business and keeping of books and records, and shall also include office buildings (premises) solely or principally used as an office or for office purpose,
- (6) "mercantile building" which means any building or part thereof used as shops, stores or markets for display or sale of merchandise, either wholesale or retail, or for office, storage or service facilities incidental to the sale of merchandise and located in the same building, and such building shall include establishments wholly or partly engaged in wholesale trade, manufacturer's whole-sale outlets (including related storage facilities), warehouses, and establishments engaged in truck transport (including truck transport booking agencies),
- (7) "industrial building" which means any building or structure or part thereof in which products or materials of all kinds and properties are fabricated, assembled or processed as in assembly plant, and such building shall include laboratory, power plant, smoke house, refinery, gas plant, mill, dairy, factory, workshop, automobile repair garage and printing press,
- (8) "storage building" which means any building or part thereof used primarily for the storage or sheltering of goods, wares or merchandise as in warehouse, and such building shall include cold storage, freight depot, transit shed, store house, public garage, hangar, truck terminal, grain elevator, barn and stable, and

(9) "hazardous building" which means any building or part thereof used for the storage, handling, manufacture or processing of highly combustible or explosive materials or products, which are liable to burn with extreme rapidity or which may produce poisonous fumes or explosions during storage, handling, manufacture or processing or which involve highly corrosive, toxic or noxious alkalis, acids or other liquids or chemicals producing flames, fumes, explosions or mixtures of dust or which result in the division of matter into fine particles subject to spontaneous ignition;

(g) "Construction Engineer" means a person having a bachelor's degree in civil engineering;

(h) "Construction Engineer on Record" means a registered Construction Engineer engaged by a person who has the right and title over the plot or lessee in respect of the plot for a building activity;

(i) "person on record" means an Advocate on Record, or an Architect on Record, or a Construction Engineer on Record, or a Structural Engineer on Record, as the case may be;

(j) "registered Advocate" means an Advocate, registered as such by the Municipality under section 267;

(k) "registered Architect" means an Architect, registered as such by the Municipality under section 267;

(l) "registered Construction Engineer" means a Construction Engineer, registered as such by the Municipality under section 267;

(m) "registered Structural Engineer" means a Structural Engineer registered as such by the Municipality under section 267;

(n) "Structural Engineer" means a person having a bachelor's degree or equivalent degree in structural engineering;

(o) "Structural Engineer on Record" means a registered Structural Engineer engaged by a person who has the right and title over the plot or lessee in respect of the plot for a building activity.

**Registration of
Advocates, Architects,
Construction
Engineers, and
Structural Engineers.**

267. The Municipality shall register -

- (a) an Advocate,
- (b) an Architect,
- (c) a Construction Engineer, and
- (d) a Structural Engineer

in the books of the Municipality in such manner, upon submission of such application, on payment of such fee and security deposit, and

subject to fulfilling such qualifications and conditions, as may be prescribed:

Provided that no Advocate or Architect or Construction Engineer or Structural Engineer shall be qualified to be registered under this section if he

- (a) has been adjudged by a competent court to be of unsound mind, or
- (b) is an undischarged insolvent, or
- (c) being a discharged insolvent has not obtained from the court of competent jurisdiction a certificate that his insolvency was caused by misfortune without any misconduct on his part, or
- (d) has been convicted by any court and sentenced to imprisonment for an offence involving moral turpitude and punishable with imprisonment for a period of not less than six months.

Duties and responsibilities of Advocate on Record, Architect on Record, Construction Engineer on Record, and Structural Engineer on Record.

268. (1) An Advocate on Record shall -

- (a) subject to the provisions of the land laws for the time being in force investigate the right and title over the plot, or the terms and conditions of lease of the plot, on which a building activity is proposed to be undertaken, and
- (b) certify in such Form as may be prescribed that the applicant for a building permit -
 - (i) has the right and title over, or
 - (ii) is the lessee in respect of

the plot for which the building permit is applied for.

(2) An Architect on Record shall -

- (a) issue, on satisfying himself that the architectural design and specifications for the building activity comply with the provisions of the rules in this behalf, a certificate to that effect in such Form as may be prescribed,
- (b) ask the person who has the right and title over the plot or the lessee in respect of the plot if, in his opinion, the building activity is not being undertaken in accordance with the design and specifications sanctioned under this chapter, to stop the building activity till defects have been remedied to his satisfaction and shall inform the Chief Municipal Officer as well as the Structural Engineer on Record or the Construction Engineer on Record, as the case may be, and

- (c) inform the Chief Municipal Officer, the Structural Engineer on Record, and the Construction Engineer on Record in such Form as may be prescribed if, for any reason, he is relieved of his appointment or responsibilities as the Architect on Record for the building activity in respect of which he has been so appointed, within seven working days from the date of his being so relieved.

(3) A Structural Engineer on Record shall -

- (a) satisfy himself that the structural design and specifications of the building activity comply with the provisions of the rules in this behalf, and shall certify to that effect in such Form as may be prescribed, and
- (b) inform the Chief Municipal Officer and the Architect on Record or the Construction Engineer on Record, as the case may be, in such Form as may be prescribed if, for any reason, he is relieved of his appointment or responsibilities as Structural Engineer on Record for the building activity in respect of which he has been so appointed, within seven working days from the date of his being so relieved.

(4) A Construction Engineer on Record shall -

- (a) undertake all necessary measures including, but not limited to, adequate inspection of the building activity to ensure that such building activity is undertaken in accordance with the detailed designs and specifications provided by the Architect on Record or the Structural Engineer on Record, as the case may be, and sanctioned under this chapter,
- (b) give to the Chief Municipal Officer a notice of the commencement of the building activity and an undertaking, in such Form as may be prescribed, that the building activity shall be undertaken in accordance with the detailed designs and specifications provided by the Architect on Record and the Structural Engineer on Record and sanctioned under this chapter,
- (c) certify in such Form, and at such stages, as may be prescribed that the building activity has been carried out in accordance with the detailed designs and specifications provided by the Architect on Record or the Structural Engineer on Record, as the case may be, and sanctioned under this chapter,
- (d) inform the Chief Municipal Officer immediately in such Form as may be prescribed if the building activity is not being undertaken in accordance with the design and specifications sanctioned under this chapter, and

- (e) inform the Chief Municipal Officer and the Architect on Record or the Structural Engineer on Record, as the case may be, in such Form as may be prescribed if, for any reason, he is relieved of his appointment or responsibilities as Construction Engineer on Record for the building activity in respect of which he has been so appointed, within seven working days from the date of his being so relieved.

***De-registration of
registered Advocate,
registered Architect,
registered
Construction Engineer,
and registered
Structural Engineer.***

269. If any-

- (a) registered Advocate, or
- (b) registered Architect, or
- (c) registered Construction Engineer, or
- (d) registered Structural Engineer

fails to discharge his duties and responsibilities under this chapter, the Chief Municipal Officer may, after giving him a reasonable opportunity of being heard in such manner as may be prescribed, and by an order, in writing, remove his name from the books of the Municipality and, thereupon, he shall cease to be a registered Advocate or registered Architect or registered Construction Engineer or registered Structural Engineer, as the case may be.

***Obligation of person
undertaking building
activity.***

270. (1) Any person who, in accordance with the land laws being in force from time to time -

- (a) has the right and title over a plot, or
- (b) is the lessee in respect of a plot,

on which a building activity is proposed to be undertaken shall apply for a building permit.

(2) Such person shall -

- (a) be responsible for ensuring that the building activity complies with the provisions of the rules in this behalf,

(b) appoint, where necessary, -

- (i) an Advocate on Record to ensure and to certify that the applicant for the building permit is the person who has the right and title over the plot or the lessee in respect of the plot on which the building activity is proposed to be undertaken,
- (ii) an Architect on Record to ensure and to certify that the architectural design and specifications of the building activity comply with the provisions of the rules in this behalf,

- (iii) a Structural Engineer on Record to ensure and to certify that the structural design and specifications of the building activity comply with the provisions of the rules in this behalf,
 - (iv) in the case of such types of buildings as may be specified by rules in this behalf, an independent Structural Engineer having such qualifications as may be prescribed to undertake a third party verification of the structural design and specifications for the building activity, and to verify and certify that the design and specifications of such building activity comply with the provisions of the rules in this behalf,
 - (v) a Construction Engineer on Record to ensure and to certify that the building activity has been undertaken in accordance with the detailed design and specifications certified by the Architect on Record appointed under sub-clause (ii) or the Structural Engineer on Record appointed under sub-clause (iii), as the case may be,
- (c) obtain a building permit prior to the commencement of the building activity,
 - (d) obtain a building use permit prior to making use of, or occupying, a building or any part thereof,
 - (e) inform the Chief Municipal Officer, in writing, if, for any reason, he ceases to be the person who has the right and title over the plot or the lessee in respect of the plot for which a building permit has been obtained by him, regardless of whether the building activity has commenced or not, within seven working days from the date of such cesser,
 - (f) inform the Chief Municipal Officer, in writing, if, for any reason, any of the persons on record appointed by him under this section has been relieved of his duties and responsibilities under section 268, within seven working days from the date of his being so relieved, and
 - (g) ensure that no building activity is undertaken after the building permit has lapsed or has been revoked.

Bar to undertake building activity without building pennit or on order of Chief Municipal Officer suspending building activity.

271. (1) No person shall undertake any building activity without obtaining a building permit prior to the commencement of such building activity except in such cases as may be prescribed.
- (2) Notwithstanding anything contained in sub-section (1), the Chief Municipal Officer may, on receipt of any information or upon his knowledge that any provision of this Act regulating any building activity has been violated, issue an order suspending such building activity, pending the determination of such violation.